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12

13 SUPERIOR COURT OF CALIFORNIA
14 COUNTY OF SAN MATEO

15 SIX4THREE, LLC, a Delaware limited
liability company;

16 Plaintiff,

17 v.

18 FACEBOOK, INC., a Delaware
corporation;
19 MARK ZUCKERBERG, an individual;
CHRISTOPHER COX, an individual;
JAVIER OLIVAN, an individual;
21 SAMUEL LESSIN, an individual;
MICHAEL VERNAL, an individual;
22 ILYA SUKHAR, an individual; and
DOES 1 through 50, inclusive,
23

24 Defendants.

Case No. CIV 533328

Assigned For All Purposes To
Hon. V. Raymond Swope, Department 23

**DECLARATION OF Redacted
REDACTED FOR PUBLIC FILING**

Hearing:

Time

Department: 23

Judge: Honorable V. Raymond Swope

Filing Date: April 10, 2015

Trial Date: April 25, 2019

1 I, Redacted, declare:

2 1. I am over the age of 18. I make the following statements to provide the information
3 specified in Case Management Order No. 19, ¶3. I make this Declaration from personal knowledge,
4 and if called to testify, I could and would competently testify thereto.

5 2. I was retained by Birnbaum & Godkin, LLP to utilize my expertise in Excel in assisting
6 with analysis of Facebook's privilege logs. A copy of my engagement letter is attached hereto as
7 Exhibit A.

8 3. I received a copy of the Stipulated Protective Order and blank certification in this action
9 on August 4, 2017.

10 4. I executed the certification on August 4, 2017. A copy of my executed certification is
11 attached hereto as Exhibit B.

12 5. The work I performed was limited to analyzing Facebook's privilege logs. Other than
13 Facebook's privilege logs, I was not provided with any Facebook confidential or highly confidential
14 information. I did not discuss Facebook's privilege logs with anyone other than Thomas Scaramellino.
15 I did not reveal Facebook's privilege logs to anyone.

16 6. I have deleted and destroyed Facebook's privilege logs and my work product in
17 connection with this matter.

18 I declare under penalty of perjury under the laws of the State of California that the foregoing is
19 true and correct.

20 Executed March 14, 2019 at Fairless Hills, Pennsylvania.

Redacted

EXHIBIT A



James E. Kruzer
Direct Dial: (617) 307-6131
kruzer@birnbaumgodkin.com

August 7, 2017

BY EMAIL ONLY [Redacted])

Redacted

[]

Re: Six4Three, LLC v. Facebook, Inc., Civ. 533328

Dear [Redacted]

I am writing to confirm that Birnbaum & Godkin, LLP, as counsel for Six4Three, LLC, is engaging you as a consultant in the above-referenced matter to assist us in reviewing Excel data. Six4Three, LLC will be solely responsible for paying your fees. Please submit your invoices to Six4Three, LLC.

You agree that you will maintain in the strictest of confidence all aspects of this engagement including, but not limited to, all materials reviewed, generated or received by you or sent by you to this firm or our client. You will refrain from speaking with anyone about this matter and you will treat all communications with my client and my firm as privileged. Finally, you agree that any materials provided to you and any report that you prepare at our request shall be the property of the attorneys who have retained you and will not be used or disclosed without our consent.

I understand that you have already reviewed the Protective Order entered by the Court on October 24, 2016 and signed the certification to same. You may be reviewing that are Confidential or Highly Confidential and are subject to the Protective Order.

If this letter accurately describes our agreement, please sign the letter in the space provided and return it to me.

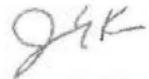
Redacted

August 7, 2017

Page Two

I look forward to working with you.

Very truly yours,



James E. Kruzer

JEK

cc: Mr. Ted Kramer (By email)

David S. Godkin, Esq. (By email)

AGREED AND ACCEPTED:

Redacted

Date: 8/7/17

EXHIBIT B

CERTIFICATION

2 I hereby certify my understanding that Confidential Information or Highly Confidential
3 Information is being provided to me pursuant to the terms and restrictions of the Stipulation and
4 Protective Order Regarding Confidential Information filed on October 25, 2016, in
5 *Six4Three, LLC v. Facebook, Inc.*, San Mateo County Superior Court Case No. CIV533328
6 (“Order”). I have been given a copy of that Order and read it.

7 I agree to be bound by the Order and I understand and acknowledge that failure to so
8 comply could expose me to sanctions and punishment in the nature of contempt. I will not reveal
9 the Confidential Information or Highly Confidential Information to anyone, except as allowed by
10 the Order. I will maintain all such Confidential Information or Highly Confidential Information,
11 including copies, notes, or other transcriptions made therefrom, in a secure manner to prevent
12 unauthorized access to it. No later than thirty (30) days after the conclusion of this action, I will
13 return the Confidential Information or Highly Confidential Information, including copies, notes,
14 or other transcriptions made therefrom, to the counsel who provided me with the Confidential
15 Information or Highly Confidential Information. I hereby consent to the jurisdiction of the San
16 Mateo County Superior Court for the purpose of enforcing the Order, even if such enforcement
17 proceedings occur after termination of this action.

18 I hereby appoint Basil P. Fthenakis located at the address of
19 2225 E. Bayshore Road, Suite 200, Palo Alto as my California agent for service of process in
20 connection with this action or any proceedings related to enforcement of this Stipulated Protective
21 Order.

22 I declare under penalty of perjury that the foregoing is true and correct and that this
23 certificate is executed this 4 day of August, 2016, at 16:11 EST.

By: **Redacted**

1

CERTIFICATE OF SERVICE

2

3 I, Jennifer Cuellar, declare:

4

5 I am a citizen of the United States, am over the age of eighteen years, and am not a party to or
6 interested in the within entitled cause. My business address is 88 Kearny Street, 10th Floor, San
7 Francisco, California 94108.

8 On March 14, 2019, I served the following document(s) on the parties in the within action:

9

DECLARATION OF Redacted

10

11

12 **VIA MAIL:** I am familiar with the business practice for collection and processing of mail.
13 The above-described document(s) will be enclosed in a sealed envelope, with first class
14 postage thereon fully prepaid, and deposited with the United States Postal Service at San
15 Francisco, California on this date, addressed as listed below.

16 Six4Three, LLC
17 1267 Chestnut Street, Apt. 6
San Francisco, CA 94109

18 Six4Three, LLC
19 2098 8th Avenue, 51
New York, NY 10026

20 Superior Court of California County of San Mateo
21 Department 23
400 County Center
Redwood City, CA 94063

22

23 **VIA E-MAIL:** I attached the above-described document(s) to an e-mail message, and
24 invoked the send command at approximately AM/PM to transmit the e-mail
25 message to the person(s) at the e-mail address(es) listed below. My email address is
jcuellar@mpbf.com

26 Computer Law Group, LLP
27 401 Florence Street
28 Palo Alto, CA 94301
Email: jrusso@computerlaw.com
csargent@computerlaw.com

26 Attorneys for Theodore Kramer and Thomas
27 Scaramellino

28 Theodore Kramer
Email: Theodore.kramer@protonmail.com

1 Donald P. Sullivan
2 WILSON ELSER
3 525 Market Street, 17th Floor
4 San Francisco, CA 94105
5 Donald.sullivan@wilsonelser.com

Attorneys for Gross & Klein LLP

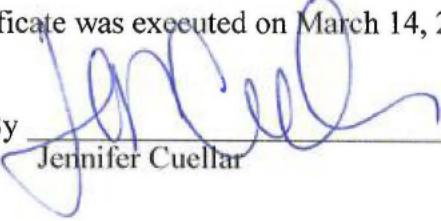
6 Steven J. Bolotin
7 MORRISON MAHONEY LLP
8 250 Summer Street
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Attorney for Birnbaum & Godkin LLP

11 Joshua H. Lerner - jlerner@durietangri.com
12 Sonal N. Mehta - SMEhta@durietangri.com
13 Laura Miller - LMILLER@durietangri.com
14 Catherine Kim - ckim@durietangri.com
15 Durie Tangri
16 217 Leidesdorff Street
17 San Francisco, CA 94111
18 Email: SERVICE-SIX4THREE@durietangri.com

Attorneys for Facebook, Inc.

19 I declare under penalty of perjury under the laws of the State of California that the foregoing is
20 a true and correct statement and that this Certificate was executed on March 14, 2019.

21 By 
22 Jennifer Cuellar

23
24
25
26
27
28